

BEFORE THE FEDERAL ELECTION COMMISSION

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Response of  
David Rivera for Congress  
and Treasurer Nancy H. Watkins

MUR 6359 OFFICE OF GENERAL  
COUNSEL

RESPONSE OF DAVID RIVERA FOR CONGRESS  
AND TREASURER NANCY H. WATKINS

The Complaint filed against the David Rivera for Congress campaign ("Campaign") and assigned MUR 6359 ~~meas~~ can pass, unbridled speculation. It has no basis in law or fact. The Campaign *did not* coordinate with the state-based "527" committee known as "Voters Response," through consultant Sarah Bascom or any other person. Moreover, the Campaign has properly paid Ms. Bascom for part of her work, and is processing invoices for the rest. Accordingly, we respectfully request that the Commission dismiss the Complaint immediately and take no further action.

ANALYSIS

I. The Campaign Did Not Coordinate with Voters Response.

The Complaint is based upon a so-called "good faith belief" that the Campaign violated coordination rules. Beyond pure speculation, however, the Complainant provides ~~no~~ evidence that coordination has occurred, ~~because~~ no evidence exists. To the contrary:

(1) As the attached affidavit indicates, Ms. Bascom was absolutely unaware that Voters Response was creating, producing or distributing a mailer regarding Joe Garcia, David Rivera's Democratic opponent in the upcoming general election, and she was not even aware of the mailer's existence until it became public. *See* Attachment A. Ms. Bascom's work for Voters Response was related solely to its communications and research regarding state legislative candidates, which she understood to be its exclusive planned activity during the 2010 election cycle. *Id.* Certainly, Voters

Response never disclosed to her its plans regarding the Garcia mailer. *Id.* Thus, while Ms. Bascom may have been a "common vendor" between Voters Response and the Campaign, it is clear that she did not use or convey any information about the plans or needs of the Campaign in order to service Voters Response. She was not even *aware of*, much less involved in, the creation, production or distribution of the mailer. *See* 11 CFR § 109.21(d)(4).

(2) Given these facts, it is no surprise that the mailer was not created at the request or suggestion of the Campaign. *See* Attachment B; 11 CFR § 109.21(d)(1). The Campaign did not coordinate in any manner whatsoever with Voters Response, through Ms. Bascom or any other person.

Thus, the conduct prong is simply not met, and it is obvious no violation has occurred.

## II. Ms. Bascom Has Been Properly Paid by the Campaign.

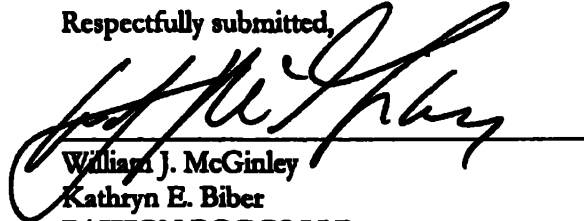
The Complainant alleges, again with no evidence whatsoever, that the Campaign "off-set" the expenses of Ms. Bascom's services when Voters Response made certain payments to her. This charge is absolutely absurd. First, a proper contract between the Campaign and Ms. Bascom was signed on July 29, 2010, long before the Complaint was filed. *See* Attachments A & B. Second, Ms. Bascom invoiced the campaign in the amount of \$2,500 for her services on August 11, 2010, and the campaign made its first payment of \$2,500 on August 24, 2010. She invoiced the campaign in the amount of \$2,500 on September 3, 2010, \$1,500 on September 13, 2010, and \$4,000 October 1, 2010. *Id.* These invoices are currently being processed for payment, and payments will be shown on the Campaign's reports to the Commission.

Under no circumstances did the Campaign arrange with either Ms. Bascom or Voters Response to have Voters Response pay Ms. Bascom for work she conducted for the Campaign. The Campaign never intended such an arrangement, and it always intended to properly compensate Ms. Bascom for her services from the Campaign's own funds. *Id.*

## CONCLUSION

We trust this Response will sufficiently answer the Commission's questions regarding the Complaint. For the reasons articulated above, we request immediate dismissal.

Respectfully submitted,



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